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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of

Implementation of the Telecommunications
Act of 1996

Amendment of Rules Governing Procedures
To Be Followed When Formal Complaints
Are Filed Against Common Carriers

CC Docket No. 96-238

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JOINT REPLY COMMENTS

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CORP.; TEXAS CABLE AND TELECOMMUNICATIONS
ASSOCIATION; CABLE TELEVISION ASSOCIATION
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TABLE OF CONTENTS

	<u>PAGE #</u>
I. Introduction and Summary	1
II. Recommended Procedures	4
A. Pre-Complaint Activities	4
B. Pleadings	6
1. Complaint	6
2. Answer/Response	7
3. Reply	8
4. Joint Stipulation of Facts and "Meet and Confer" Obligation	9
5. Motions	9
6. Briefs	10
C. Discovery	10
D. Status Conference with Staff	12
E. ADR and Hearings Before Administrative Law Judges	13
F. Cease and Desist Orders	14
G. Sanctions	14
III. Conclusion	15

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JOINT REPLY COMMENTS

I. Introduction and Summary

Jones Intercable, Inc.; Centennial Cellular Corp.; the Texas Cable & Telecommunications Association; Cable Television Association of Georgia, Inc.; Tennessee Cable Telecommunications Association; and South Carolina Cable Television Association (collectively "Joint Commenters") respectfully submit these Joint Reply Comments in the above captioned rulemaking proceeding. The Joint Commenters are comprised of firms (both cable and CMRS providers) that have entered or are considering entering the local telecommunications business, and certain cable industry state trade associations. The Joint Commenters (or their members) are or likely will be in competitive, potentially adverse relationships with incumbent local exchange carriers ("ILECs").

The Joint Commenters hope that they will be able to resolve many of their disputes with ILECs without invoking this Commission's processes. Nonetheless, experience indicates that there will be times — whether due to legitimate disagreements about the ILECs' legal obligations, or due to deliberate anticompetitive ILEC activities — where such informal

resolution is not possible. For these reasons, the Joint Commenters are extremely interested in the procedures that will apply to resolving Section 208 complaints before this Commission.

These Reply Comments respond to suggestions by some commenters that, if adopted, would interfere with the ability of aggrieved competitors to present legitimate disputes to the Commission, and with the Commission's ability to fairly and expeditiously resolve such disputes. Our main specific suggestions are outlined below; others are discussed in the body of these Reply Comments.

Allegations Based On Information And Belief. As the Commission expressly recognized in its *Local Competition Order*, ILECs have no economic incentive to facilitate the entry of competitors into their traditional monopoly preserves.¹ There is no reason to expect that this natural ILEC reluctance to give aid to competitors will not extend to any informal, pre-complaint efforts a competitor might make to resolve disputes. To the contrary, ILECs will benefit economically from stonewalling and delay to the maximum extent possible. For this reason, the Commission should reject proposals that would limit complainants' ability to assert claims based on "information and belief" allegations. The ILECs, not the complainants, will often be the sole custodians of relevant specific information. Creating a system in which a complaint must contain specific, detailed and *documented* allegations to survive a motion to dismiss will simply intensify — and probably make irresistible — the ILECs' already strong economic incentive to stonewall.

Reasonable Discovery Rights Must Be Clearly Established. For precisely these same reasons, the new complaint procedures must provide clearly limited, but nonetheless unequivocal, rights of complainants to discovery. Our specific proposal for discovery as of right is thirty (30) discovery requests to be filed no later than ten (10) days following service of the

¹ *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, CC Docket Nos. 96-98, 95-185 (released August 8, 1996) ("*Local Competition Order*") at ¶¶ 10, 15.

complaint, and an additional fifteen (15) discovery requests following service of the respondent's answer. Of course, the fact that certain discovery may, in general, be had as of right would not bar respondents from objecting to particular requests and having those objections resolved promptly at a settlement conference (see below). To the contrary, the assurance that there will be a prompt settlement conference that will include resolution of discovery disputes will encourage complainants not to make overbroad or objectionable requests, and will encourage respondents not to make frivolous objections. But any proposal that would require complainants to justify a need for discovery before any discovery may be had would play into the ILECs' basic strategic objective of delay.

Filing of Replies to Answers. Unless an ILEC is particularly forthcoming in pre-complaint negotiations, the legal and factual basis upon which an ILEC bases its position will not be entirely clear to a complainant. For example, a complainant will certainly understand *that* an ILEC has asserted that a particular form of interconnection is not "technically feasible," but — again, unless the ILEC has been particularly forthcoming — will not necessarily understand *why*, in the ILEC's view, there is a problem with technical feasibility. This example illustrates the need to allow complainants to file replies to answers. Stated simply, in many cases the ILEC's answer will be the first time that the complainant is able to see and respond to an explanation of the ILEC's "real" position. The Commission will be in a much better position to rapidly and fairly resolve disputes if the issues are clearly focused. The only way to assure that this occurs is if replies to answers are permitted.

The Status/Settlement Conference. Consistent with existing practice in the area of pole attachment disputes, the Common Carrier Bureau Enforcement Division Staff should hold a status/settlement conference between the parties promptly after the pleadings have been filed and discovery responses (and objections) served. The conference should be held no later than twenty (20) days following the filing of any reply to the answer. By this time, the contours of the dispute will have been set out, and areas where the parties may benefit from a firm procedural hand will also be clear. Attendees at the status/settlement conference should have full authority to bind their respective principals and be fully prepared to discuss any factual or

procedural aspects of the case. The result of the conference should be (a) rulings on any disputed discovery requests; (b) designation of issues for briefing; and (c) designation of issues for formal hearing and/or Alternative Dispute Resolution ("ADR") processes.

II. Recommended Procedures

This Section identifies the Joint Commenters' specific suggestions for handling Section 208 complaints. A chart illustrating how the process would work is attached to these Reply Comments at Table 1.

A. Pre-Complaint Activities

One of the areas most prone to ILEC abuse is delaying informal pre-complaint overtures to settle disputes. ILECs have no incentive to aid their competitive rivals either in their current local exchange preserves or in new markets (e.g., video services) that the ILECs hope to enter. Of particular concern is an ILEC tactic of preventing meaningful informal resolution of disputes; presenting to regulators and the public the appearance of cooperation; and then claiming, once a complaint is filed, that the complainant has not fulfilled its pre-complaint "settlement" obligation.

The Commission certainly must ensure that its formal complaint processes are a last, not first, resort in the case of disagreements between private parties. At the same time, the Commission must remain aware that delay in resolving disputes will almost always favor the ILEC. This view is shared by many likely to be in competitive relationships with ILECs.² Both pre-complaint stonewalling and imposing elaborate pre-complaint procedural obligations are both effective forms of delay.³

² See, e.g. Comments of ICG at 5-6; ACTA at 2-3; and CompTel at 4.

³ In this proceeding, for example, some ILECs have advocated the mandatory use of mediators in pre-filing discussions as a pre-requisite for invoking the Bureau's formal complaint procedures. See, e.g., NYNEX Comments (continued...)

The Joint Commenters believe that practice under the Commission's rules regarding pole attachment disputes provides a good model for Section 208 complaints generally. Those rules state that "[t]he complaint shall include a brief summary of all steps taken to resolve the problem prior to filing. If no such steps were taken, the complaint shall state the reason(s) why it is believed such steps were fruitless."⁴ Under these rules, the Commission examines the sufficiency and reasonableness of the pre-complaint actions on a case-by-case basis. At the same time, there is a clear recognition *both* that informal efforts to resolve a dispute should generally be undertaken, *and* that such efforts may prove "fruitless" from the perspective of the complainant.

Case-by-case consideration of pre-complaint efforts at settlement is necessary because parties will often disagree even about the adequacy of those efforts. Stated another way, everyone can agree that informal resolution of a dispute is generally preferable to filing a complaint, but controversy can still prevail where a complainant believes it has exhausted all reasonable informal efforts to settle, and a respondent believes the complainant has not. Joint Commenters fully accept a reasonable obligation to try to settle disputes informally, but are deeply reluctant to provide additional hoops through which the ILEC can force complainants to jump and an additional ground for contrived grievance ("the complainant didn't try hard enough to settle before filing") to cloud prompt and clear resolution of what will at times be critical competitive disputes.⁵ This, in turn, would tend to delay the resolution of important issues on the merits, inevitably favoring ILECs over new entrants.

³(...continued)

at 3; BellSouth Comments at 7-8. As set forth below, we support the use of Commission Administrative Law Judges ("ALJs") as mediators if the parties mutually agree to such an approach, but only *after* a complaint has been filed.

⁴ 47 C.F.R. § 1.1404(i).

⁵ See, e.g., BellSouth Comments at 6-7, n. 24, for an example of just such a dispute over the adequacy of pre-filing activities and advocacy of the type of pleading the Commission would invite with unduly strict or detailed "pre-complaint settlement efforts" rules.

B. Pleadings

Pleadings should consists of a complaint, an answer (or response) and a reply. Motions should be considered and granted upon good cause shown, as proposed in the Notice.⁶ Simultaneously filed initial and reply briefs should be submitted after the close of discovery and any necessary evidentiary hearings as determined by the Commission at the status conference.

1. Complaint

The Joint Commenters agree that timely and efficient resolution of factually and technically complex disputes requires that a complainant thoroughly investigate the grounds for its causes of action against a common carrier, and set forth those grounds concisely in the complaint. We agree, for example, that a complaint should provide as much relevant detail as possible, including (where possible) names of individuals likely to be in possession of documentation and other material bearing on the case.⁷

At the same time, however, appreciation of the economic incentives at work in this industry indicates that a complainant's best efforts to secure information necessary for a complaint (or to resolve a complaint) may be frustrated by a respondent. This is so because much of the specific information that would ideally be included in a complaint will not be in a complainant's possession despite its best efforts to secure it. For this reason, Joint Commenters strongly oppose any suggestion to eliminate complaint allegations based on information and belief.⁸

The Commission must remain vigilant against frivolous complaints, and must not allow its processes to be used for "fishing expeditions." But an outright ban (or severe

⁶ Notice ¶¶ 74-78.

⁷ See Notice ¶¶ 23 and 43. See also Comments of GST Telecom, Inc., at 7; MCI at 14-15; ACTA at 5.

⁸ Notice ¶ 38. CLECs and other competitive providers overwhelmingly support the continued use of information and belief allegations. See, e.g., Comments of ATSI at 10-11; CompTel at 6; TRA at 13.

limitation) on the use of "information and belief" allegations as some seek⁹ will create overwhelming incentives for ILECs to withhold information to the maximum extent possible in pre-complaint discussions, since — if they can get away with it — refusing to provide specific information might entirely preclude the filing of a proper complaint.

In this regard, the considerations supporting allowance of "information and belief" allegations are quite similar to those regarding the creation of presumptions and burdens of proof. Where one party is likely to have control of the information needed to resolve a dispute — potentially against that party's interests — it is inappropriate to penalize the *other* party for failing to come forward with that information.¹⁰

2. Answer/Response

Within 20 days of the filing of a complaint, the respondent should be required to file a complete response to each allegation raised in a complaint. Such response should contain any affirmative defenses that the respondent wishes to interpose, as well as any denials supported by sufficient explanation to give both the complainant and the Commission a reasonable basis upon which to assess such denial.

Particularly where a complainant has diligently developed detailed (and, in this technical industry, sometimes complex) allegations, the Commission should be reluctant to accept

⁹ See, e.g., Comments of BellSouth at 11.

¹⁰ See, e.g., *Local Interconnection Order* at ¶¶ 1262-63 (rural ILECs have burden of proving exemptions from Section 251(c) obligations). Joint Commenters make the following "procedural" observations regarding complaints. First, we believe that expedient resolution of complaints can be advanced by serving complaints by fax. Where the Complaints and its attachments exceed 50 pages, service should be effected by overnight courier. In the case of service by fax or overnight courier, a response or answer to the complaint will be due within 20 days of service. Second, we do not object to the Commission's proposal to require a complainant to submit an intake cover form if it will assist Commission Staff in processing the action, but, note that while it might be reasonable to return a complaint that has not been filed in accordance with the Commission's rules, ILEC suggestions that complaints not meeting formal requirements be dismissed summarily *with prejudice* must be rejected as yet another flagrant attempt to urge the Commission to structure complaint procedures to defend their monopolies rather than advance competition. See, e.g., NYNEX Comments at 17.

"general" denials, e.g., where the word "denied" is inserted in an answer, without elaboration or explanation in light of the particular facts alleged. In this regard, Federal Rule of Civil Procedure 8(b) provides a useful standard for consideration: general denials are permitted only where the party "intends in good faith to controvert *all* the averments of the preceding pleading" or all the contents of a specific paragraph of a pleading, subject at all times to possible sanctions under Rule 11.¹¹

Responses, furthermore, should be accompanied by all relevant supporting documentary, affidavit and other evidence, including, as the Commission has proposed,¹² the identities and locations of individuals and documents that would assist the Commission in resolving the dispute. This will vastly facilitate the process of conducting highly focused, meaningful discovery, as well as improve the ability of the Commission's Staff to narrow the issues and encourage settlement at the status/settlement conference (see below).

3. Reply

The Commission has tentatively proposed to prohibit the filing of replies to answers.¹³ We believe, however, that replies should be routinely permitted, to be filed no more than 7 days after the submission of an answer or response.

Notwithstanding the best efforts of a would-be complainant to secure information from a potential respondent in the pre-complaint stage, it is often only in the answer that an incumbent is relatively forthright with its legal position and factual support of such theory. The reply thus becomes the key document which focuses all subsequent stages of the proceeding. For example, it has been cable operators' experience in hundreds of pole attachment cases spanning

¹¹ Fed. Rules Civ. P. 8(b), 11.

¹² Notice ¶¶ 24, 43. This view is supported by a cross-section of commenters. *See, e.g.*, Comments of U S West at 9-10; AT&T at 8-9; and CompTel at 5-6.

¹³ Notice ¶ 72.

nearly 20 years that the reply serves this essential function. Absent issue-defining replies, ensuing stages of the litigation, especially discovery, run the risk of being even more contentious and less focused. Indeed, a reply provides a simple, formal vehicle by which a complainant may withdraw claims that have been adequately answered (for the first time) in the respondent's answer, thereby narrowing the matters that must be decided by the Commission.

4. Joint Stipulation of Facts and 'Meet and Confer' Obligation

A joint stipulation of facts in some cases may be useful to help refine the issues. The proposal to require one five days of the answer, however, is unworkable, as several commenters realize.¹⁴ In many cases, it simply will not be possible for the parties to agree on the key facts in a case, especially at its early stages. Instead, we recommend that the parties be required to "meet and confer" before the status conference or within 10 days after the deadline for filing an answer.¹⁵ The parties should prepare a list of facts to which each is willing to stipulate which it will discuss at that meeting. A logical extension of the parties' discussion over any stipulation of facts will be to discuss discovery matters and settlement, areas as to which the parties should endeavor to agree prior to the status conference with Bureau Staff.

5. Motions

We support the Commission's proposals with respect to motions, and again emphasize that motions, like other papers, be served by fax.¹⁶

¹⁴ See, e.g., Comments of ICG at 22.

¹⁵ In cases where a reply is filed, this meet and confer obligations will attach five days after the deadline for filing any reply.

¹⁶ Notice ¶¶ 74 - 78.

6. Briefs

The schedule for filing briefs, as well as page limitations for such briefs, should be established at the status conference with Bureau Staff. We believe that 50 pages would be sufficient for initial briefs and 25 pages for reply briefs in most cases, but the Staff should have flexibility to adjust these guidelines as necessary at the status conference, in light of the Staff's initial view of the key issues in the case. Briefs should be due as directed by Staff at the status conference. The deadlines for briefs in some cases will be short in order to met certain statutory deadlines.¹⁷

C. Discovery

Discovery is the most contentious element in the complaint process. This is so because complainants will generally lack access to all the facts relevant to their claims, and respondents — particularly ILEC monopolists — will have every incentive to cause that situation to continue. It would be extremely naive to think that ILEC monopolists — most of whom are masters at conducting regulatory litigation at the state level — would become open and hospitable to discovery by marketplace rivals before this Commission. And, indeed, in this proceeding, large ILEC monopolists have staunchly opposed any right of complainants to discovery.¹⁸ This simply illustrates that it is critical for the Commission to plainly establish that complainants have a *right* to meaningful discovery from respondents, and that respondents will be subject to appropriate sanctions if their opponents' discovery rights are improperly frustrated.

That said, the Commission, ILECs, and new entrants alike share a common interest in ensuring that the discovery process itself does not become so burdensome and contentious that it interferes with prompt and just resolution of disputes. The solution here, however, lies not in eliminating discovery, but in truncating the schedule for submission of, and response (and

¹⁷ See Notice ¶ 1.

¹⁸ See, e.g., BellSouth Comments at 15; NYNEX Comments at 9; SWBT Comments at 6.

objection) to discovery requests.

Indeed, we believe that even the current rules, which allow the parties to interpose interrogatories, but require leave from the Commission for any other form of discovery (such as production of documents) actually impedes swift resolution of disputes. Like most large bureaucracies, the ILECs generate enormous amounts of technical and other documentation that is obviously of great relevance to many disputes. Moreover, document production requests are routine in state-level regulatory proceedings. And, unlike carefully worded lawyer's answers to interrogatories, an actual document used by actual operating employees of an ILEC to guide their business activities can often clarify, rather than obfuscate, the true parameters of a dispute.

For these reasons, the Joint Commenters propose that parties be permitted to propound 30 initial discovery requests within 10 days of the filing of the complaint. Such requests, at the option of the propounding party, may include (a) interrogatories; (b) requests for the production of documents; and (c) requests for physical inspection of materials and facilities. None of these requests should require advance leave from the Commission.

If (as we have proposed), answers are to be submitted with supporting factual materials, and must be served 10 days after initial discovery requests are issued, the answer itself may effectively resolve certain discovery requests. At the same time, an answer may well raise new issues requiring a complainant to seek supplemental discovery. For this reason, we also suggest that a complainant be entitled to one supplemental round of discovery requests as defined above. Such supplemental request should be submitted within five days of the filing of an answer.

We believe that these carefully truncated discovery rights should, in most cases, allow a party to adequately understand the other side's evidence. At the same time, in particular cases, additional discovery may be needed. For this reason, while parties would not have additional discovery *rights*, they should certainly be permitted to request additional discovery in

light of the circumstances in a particular case.¹⁹

As noted above, discovery matters should be discussed between the parties prior to the Bureau Staff status conference discussed below, and would be resolved or substantially narrowed at that status conference. Documents produced in the course of discovery should not routinely be submitted to the Commission (although they may be used as attachments to pleadings such as briefs and motions), except upon Commission request.

D. Status Conference with Staff

As Joint Commenters see it, the status conference is the focal point of the formal complaint proceeding. The complaint, answer, reply and certain discovery will all have occurred by the time of the status conference. The conference should be attended not only by the parties' counsel, but by a representative of each party (assuming that such representative is different from counsel) with authority to settle all aspects of the case.

By this point in the proceedings, the contours of the case will be clearly defined from the opening pleadings and the discovery requests. At this conference, Bureau Staff would have several important functions: (1) resolve any outstanding discovery disputes; (2) establish a deadline by which all discovery matters are to be completed; (3) specify factual and legal issues to be addressed in briefing; (4) identify any factual issues which may be appropriate to refer to an ALJ for resolution within the confines of the proceeding (as opposed to ADR referral); (5) establish page limits and a schedule for the submission of initial and reply briefs; (6) explore

¹⁹ From a timing perspective, responses and any objections to the first set of discovery requests would be due on the same day that an answer is due (20 days after the complaint is filed and approximately 10 days after the first set of discovery recovery requests is issued). Responses and any objections to any supplemental requests would be due within 10 days after the date for filing an answer. The parties should attempt to resolve any discovery disputes informally, but motions to compel, of necessity, will require resolution. Under our proposal, motions to compel must be filed within five (5) days of objection for failure to respond, but a would-be movant first must attempt to resolve the dispute informally prior to filing, and state in such motion the informal steps taken to resolve the dispute. Oppositions should be filed within five (5) days of the motions, as should any reply. The Joint Commenters note that the Commission may need to shorten certain of the proposed discovery timeframes to comport with exceptionally short deadlines for Commission resolution of certain types of matters. See Notice ¶ 1.

referral of the matter to an ALJ or other mediator for ADR; and (7) propose a date for the issuance of a final decision in the proceeding. The status conference also should be used to explore settlement.

E. ADR and Hearings Before Administrative Law Judges

We agree with the Commission that certain particularly complex factual matters and damages issues may be most expediently resolved before a Commission ALJ at a live hearing and supports these proposals.²⁰ We believe, however, that the Commission's proposal could be improved in one significant respect.

If the parties agree, the Commission may choose to defer final decision on the case pending before it and instead use ADR and refer it to an impartial mediator. One potentially valuable source of such mediators is the Commission's own ALJs. If a matter were referred to an ALJ for mediation, the parties and the Commission could stipulate to a considerably shortened time frame for the decision from one that may otherwise be required under the Commission's rules. Satisfactory ALJ/ADR outcomes could result in a short, conclusory Commission Order noting that the matter had been resolved, with such Order issuing well within applicable statutory deadlines and in sufficient time to protect against continued harm to marketplace competition.

Any discrete factual issues placed before an ALJ outside the context of wholesale referral to ADR, must be narrowly and specifically defined to ensure a prompt ruling and adherence with appropriate deadlines.²¹

²⁰ We support the Commission's proposal that, where a complainant voluntarily bifurcates a liability and damages issues, the Commission would refrain from considering damages questions until after a ruling on liability. We likewise agree that a complainant should undertake its best efforts to provide a detailed computation and categorization of damages it believes it has suffered as a result of the carrier conduct giving rise to the action either at the complaint or reply stage, but submit that it may not be possible to do so in the early stages of a case. *See* Notice ¶¶ 64, 66.

²¹ *See, e.g.*, Notice ¶ 1 and citations therein.

F. Cease and Desist Orders

The Commission should issue cease and desist orders in Section 208 cases without conducting a "live" hearing. Instead, a written motion for such relief, accompanied by a showing analogous to, but not as stringent as, the four-part showing required for grant of an emergency stay, should be sufficient.

On the merits, we believe that the Commission should retain the elements relating to advancement of the public interest and absence of harm to others if the cease and desist order is granted, but should attenuate the likelihood of success on the merits and irreparable injury components of the test. The Commission should require a party moving for a cease and desist order to show only that it has mounted a substantial challenge to the practice of the carrier subject to the complaint, which as one commenter notes in its initial comments, is the same standard required to seek expedited review at the D.C. Circuit for Commission orders.²² In addition, in light of the pro-competitive purposes of the 1996 Act, the Commission should clarify that an ILEC practice that interferes with fair competition in a particular market constitutes sufficient "harm" — whether to the individual complainant or to the public generally — to warrant a cease and desist order.

G. Sanctions

Accounting for the fact that there may be some modest "break-in" period for the Commission and the industry to adjust to new Bureau enforcement procedures, the Commission must be willing to use sanctions to ensure the expedient processing of its cases. It should use such remedies to ensure against the filing of frivolous complaints, just as it must use them to ensure that litigants do not abuse the discovery process. Sanctions should be directed toward penalizing overzealous litigants in a proceeding by striking all or parts of pleadings, summary dismissal of such parties from the proceeding, monetary forfeitures, and, in the most extreme

²² See Comments of ICG at 18 - 19, n. 11.

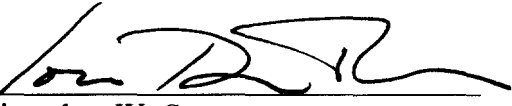
cases, summary judgment against the party abusing this Commission's processes.

III. Conclusion

For the foregoing reasons, the Joint Commenters respectfully urge the Commission to adopt rules for complaints against common carriers consistent with these Reply Comments.

Respectfully submitted,

**JONES INTERCABLE, INC.; CENTENNIAL CELLULAR
CORP.; TEXAS CABLE AND TELECOMMUNICATIONS
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TABLE 1

TABLE 1
JOINT COMMENTERS' PROPOSED COMPLAINT PROCEDURES

Action	Comments
Pre-complaint informal efforts at settlement/dispute resolution.	Averment required in complaint filed concerning such efforts, or why futile to continue/seek such informal efforts. <i>See, e.g.</i> 47 C.F.R. § 1.1404(i).
Complaint	Service by fax if less than 50 pages, otherwise service by overnight courier.
First Set of Discovery Requests	30 interrogatories, document requests and requests for physical inspection as of right within 10 days of filing of the complaint. Additional requests and deposition notices permitted only on good cause shown. Service by fax. Responses/Objections due 15 days after service.
Answer	Due 20 days after filing of complaint. Must respond specifically to each allegation. <i>See, e.g.</i> , F.C.P.R. 8(b). Service by fax.
Second Set of Discovery Requests	15 interrogatories and document requests as of right due 5 days after answer. Responses/Objections due 15 days after service.
Reply	Due 7 days after filing of the answer.
"Meet and Confer" Conference between the Parties	Conducted within 10 days after the filing of the answer.
Status Conference With Bureau Staff	Time to be specified by Bureau Staff, after the filing of the Reply. All pending discovery matters to be discussed, including discovery, settlement, ADR, hearings, briefing procedures, proposed date for final decision.
Responses/Objections to First Discovery Requests	Due 15 days after service. Service by fax if less than 50 pages, otherwise service by overnight courier.
Motions to Compel Production	Due 5 days after objection, unresponsive answer, or non-response. Movant must seek informal resolution first, and explain efforts undertaken.
Responses/Objections to Second Discovery Requests	Due 15 days after service. Service by fax if less than 50 pages, otherwise service by overnight courier.
Motions to Compel Production	Due 5 days after objection, unresponsive answer, or non-response. Movant must seek informal resolution first, and explain efforts undertaken.
Briefs	Submitted simultaneously pursuant to Staff Order.
Reply Briefs	Submitted simultaneously pursuant to Staff Order.
Hearings	At Staff direction and Order.
ADR	Upon agreement of the Parties.